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Janet Borne

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Janet Borne,)	Case No.:
Plaintiff,)	
)	COMPLAINT AND DEMAND FOR JURY
v.)	TRIAL
)	
Law Office of Harris Ross Byck, P.C.,)	
)	
Defendant.)	
)	
)	

PLAINTIFF'S COMPLAINT

Plaintiff, Janet Borne ("Plaintiff"), through her attorneys, Krohn & Moss, Ltd., alleges the following against Defendant, Law Office of Harris Ross Byck, P.C. ("Defendant"):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Surprise, Maricopa County, Arizona.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. § 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. § 1692a(5).
7. Defendant is a debt collector as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency with a business office in Bristol, Pennsylvania.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant places collection calls to Plaintiff seeking and demanding payment for an alleged debt, on behalf of CACH, LLC, original creditor: Washington Mutual Bank (File Number 120005826657).
11. Plaintiff's alleged debt owed to arises from transactions for personal, family, and household purposes.
12. Defendant calls Plaintiff and leaves voice messages, asking Plaintiff to call Defendant at 888-275-6399. *See* Transcribed Voicemail Message, attached hereto as Exhibit A.
13. Defendant failed to disclose in subsequent communications that the calls were from a debt collector. *See* Exhibit A.

**COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated § 1692e of the FDCPA by using false, deceptive, and

misleading representations in connection with the collection of any debt.

b. Defendant violated § 1692e(10) of the FDCPA by using false and deceptive means in an attempt to collect a debt.

c. Defendant violated § 1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, Janet Borne, respectfully requests judgment be entered against Defendant, Law Office of Harris Ross Byck, P.C., for the following:

15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.

16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.

17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Janet Borne, demands a jury trial in this cause of action.

DATED: July 22, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Ryan Lee

Ryan Lee
Attorney for Plaintiff,
Janet Borne

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiff, Janet Borne, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Janet Borne, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 07-28-2011

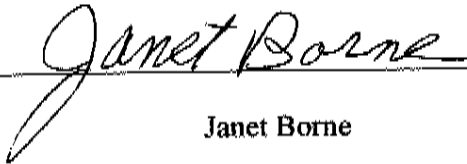

Janet Borne

Exhibit A

Janet Borne v. Law Office of Harris Ross Byck, P.C.

This message is for Janet Borne from the office of Harrison Ross Byck. Please make sure to call to 888-275-6399 during the business hours of Monday through Thursday between 8:00 AM and 9:00 PM or Friday between 8:00 AM to 12:00 PM Eastern Time. Again, our toll free number is 888-275-6399. Again, it is essential you return the call. Thank you. Goodbye.